

**Amendment No. 9 to HB1970**

**Swann**  
**Signature of Sponsor**

**AMEND Senate Bill No. 1688**

**House Bill No. 1970\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-201(d), is amended by redesignating subdivision (2) as subdivision (5) and by deleting subdivision (1) in its entirety and substituting instead the following:

(1) Subdivisions (1), (2), (3) and (4) of this subsection shall be known as and may be cited as "The Public School Achievement Flexibility Act".

(2) Upon application by an LEA for one (1) or more of its schools, the commissioner of education may waive any state board rule or statute that inhibits or hinders the LEA's ability to meet its goals or comply with its mission. The commissioner may not waive regulatory or statutory requirements related to:

- (A) Federal and state civil rights;
- (B) Federal, state and local health and safety;
- (C) Federal and state public records;
- (D) Immunizations;
- (E) Possession of weapons on school grounds;
- (F) Background checks and fingerprinting of personnel;
- (G) Federal and state special education services;
- (H) Student due process;
- (I) Parental rights;
- (J) Federal and state student assessment and accountability; and
- (K) Open meetings.

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(3) A school for which the commissioner has granted flexibility in operation may establish its own educational model and operate in any manner that the local board and the school's management team agree shall sustain and increase student performance. Each school shall be allowed to innovate and experiment and to challenge existing teaching methodologies with the goal of enhancing student performance.

(4)

(A) The application shall be submitted to the commissioner by the LEA by January 1 and shall include:

(i) State board of education rules or statutes the LEA seeks to waive;

(ii) A plan to improve school or district performance through the waiver; and

(iii) The projected impact the waiver will have on school or district performance, including measurable annual goals.

(B) Upon granting the waiver, the commissioner shall monitor the performance of the LEA and the school or schools who receive a waiver to determine if the annual goals are met. The commissioner may suspend the waiver at any time if the LEA fails to improve performance and meet annual goals.

(C) The commissioner shall approve or deny the application by March 31. The waiver shall be effective for the first school year beginning

immediately following the grant of the waiver and shall continue to be effective until the date specified by the commissioner. If the commissioner does not specify a date on which the waiver ends, then the waiver shall continue until suspended by the commissioner.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.